

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 2, line 23, delete "and" and insert "**or**".
- 2 Page 4, line 16, delete "manure containment capacity," and insert
- 3 "**volume of manure produced**,".
- 4 Page 4, line 18, delete "Obtaining" and insert "~~Obtaining~~".
- 5 Page 4, line 20, delete "IC 13-18-10-1.5" and insert "IC
- 6 13-18-10-1.4".
- 7 Page 4, line 22, delete "Sec. 1.5." and insert "**Sec. 1.4.**".
- 8 Page 6, delete lines 18 through 42, begin a new paragraph and
- 9 insert:
- 10 "SECTION 7. IC 13-18-10-2 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Application for
- 12 approval **under section 1 of this chapter** of the construction **or**
- 13 **expansion** of a confined feeding operation must be made on a form
- 14 provided by the department. An applicant must submit the completed
- 15 application form to the department together with the following:

- 1 (1) Plans and specifications for the design and operation of
- 2 manure treatment and control facilities.
- 3 (2) A manure management plan that outlines procedures for the
- 4 following:
- 5 (A) Soil testing.
- 6 (B) Manure testing.
- 7 (3) Maps of manure application areas.
- 8 (4) Supplemental information that the department requires,
- 9 including the following:
- 10 (A) General features of topography.
- 11 (B) Soil types.
- 12 (C) Drainage course.
- 13 (D) Identification of nearest streams, ditches, and lakes.
- 14 (E) Location of field tiles.
- 15 (F) Location of land application areas.
- 16 (G) Location of manure treatment facilities.
- 17 (H) Farmstead plan, including the location of water wells on
- 18 the site.
- 19 (5) A fee of one hundred dollars (\$100). The department shall
- 20 refund the fee if the department does not make a determination in
- 21 accordance with the time period established under section 2.1 of
- 22 this chapter.
- 23 (b) An applicant who applies for approval **under section 1 of this**
- 24 **chapter** to construct **or expand** a confined feeding operation on land
- 25 ~~that is undeveloped~~ or for which a valid existing approval has not been
- 26 issued shall make a reasonable effort to provide notice **not more than**
- 27 **ten (10) working days after submitting an application:**
- 28 ~~(1) to:~~
- 29 ~~(A) each person who owns land that adjoins the land on which~~
- 30 ~~the confined feeding operation is to be located; or~~
- 31 ~~(B) if a person who owns land that adjoins the land on which~~
- 32 ~~the confined feeding operation is to be located does not occupy~~
- 33 ~~the land; all occupants of the land; and~~
- 34 ~~(2) (1) to the county executive of the county in which the confined~~
- 35 ~~feeding operation is to be located~~ **or expanded; and**
- 36 **(2) to each person who owns land of which any part of the**
- 37 **boundary is one-half (1/2) mile or less from the following:**
- 38 **(A) Any part of the proposed footprint of one (1) or more**

of the following to be located on the land on which the confined feeding operation is to be located:

(i) A livestock or poultry production structure.

(ii) A permanent manure storage facility.

(B) Any part of the proposed footprint of one (1) or more of the following to be located on the land on which the confined feeding operation is to be expanded:

(i) A livestock or poultry production structure.

(ii) A permanent manure storage facility.

(iii) The expanded area of a livestock or poultry production structure.

(iv) The expanded area of a permanent manure storage facility.

not more than ten (10) working days after submitting an application. The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) Plans and specifications for manure treatment or control facilities for a confined feeding operation must secure the approval of the department. The department shall approve the construction **or expansion** and the operation of the manure management system of the confined feeding operation if the commissioner determines that the applicant meets the requirements of:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations."

Page 7, delete lines 1 through 35.

Page 8, line 38, delete "section 1.5" and insert "**section 1.4**".

Page 8, line 42, delete "Section 1.5(c)(5)" and insert "**Section 1.4(c)(5)**".

Page 9, line 1, delete "Section 1.5(c)(6)" and insert "**Section 1.4(c)(6)**".

- 1 Page 9, line 9, delete "section 1.5(c)(5)" and insert "**section**
2 **1.4(c)(5) and 1.4(c)(6)**".
3 Page 9, line 10, delete "and 1.5(c)(6)".
4 Page 9, line 13, delete "section 1.5(c)(5) and 1.5(c)(6)" and insert
5 "**section 1.4(c)(5) and 1.4(c)(6)**".
6 Page 9, line 16, delete "section 1.5(c)(5) and" and insert "**section**
7 **1.4(c)(5) and 1.4(c)(6)**".
8 Page 9, line 17, delete "1.5(c)(6)".
9 Page 12, line 40, delete "IC 13-18-10-1.5," and insert "**IC**
10 **13-18-10-1.4,**".
 (Reference is to SB 221 as printed February 18, 2009.)

and when so amended that said bill do pass.

Representative Pflum